

MEMORANDUM AND
ORDER


The motion is denied in all other respects. Although Plaintiffs are correct that documents that precede the class period are relevant to the knowledge of the Defendants during the class period and at the time of the challenged statements, the Second Amended Complaint establishes

the period beginning in or around January 2018 (which precedes the class period) as the relevant time period with respect to Defendants’ knowledge. *See, e.g.*, Dkt. No. 127 ¶ 117 (“[w]ithin a few short months” of the hiring of Bowley in November 2017, he “informed Kinnell, Soirat and other Rio Tinto executives about the truth at OT”); Dkt. No. 149 at 107–09 (discussing allegations of scienter). Plaintiffs argue that documents that postdate the class period are relevant because the “details of the cost overruns and delays” did not fully emerge until after the class period. Dkt. No. 274 at 2. But Plaintiffs fail to explain how, if the information was not known to the relevant custodians during the class period, such information could have been concealed by those custodians.

The Clerk of Court is respectfully directed to close Dkt. Nos. 274, 275.

SO ORDERED.

Dated: July 28, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge